REPORT ON PLANS AND PRIORITIES

2010-2011

Registry of the Specific Claims Tribunal of Canada

The original version was signed by

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Deputy Head's Message

October 16, 2009, marked the one-year anniversary of the coming into force of the *Specific Claims Tribunal Act* creating the Specific Claims Tribunal and the Registry of the Specific Claims Tribunal of Canada.

The Registry's role is to provide services for the efficient and effective administration of the Specific Claims Tribunal, while protecting the Tribunal's independence. In doing so, the Registry seeks to be a national and international leader in the administration of justice.

The Registry has passed many milestones since its inception, including the completion of a Multipurpose Tribunal Room which incorporates many First Nations' cultural symbols in its design and will act as the electronic hub for the administration of Tribunal proceedings.

Additionally, the Registry has developed many of the corporate policies and business plans needed to ensure the effective, transparent, and accountable use of public resources. It has also classified and staffed key positions. The Registry has worked hard to engage and inform key stakeholders on its progress and direction through regular meetings, conferences, information sessions, and open dialogue.

In the year ahead, the Registry will complete foundational work to establish the administrative services needed to support Tribunal activities and ensure transparency, accountability, and fairness in Registry operations.

The Registry will support the Tribunal's development of its rules of practice and procedure and, once the rules have been established, will set up an electronic registry and case management system consistent with the rules.

The Registry will develop and implement strategies to raise awareness of the Tribunal with First Nations, the Government of Canada and the broader Canadian public and to communicate information on rules and processes to parties interested in submitting claims to the Tribunal or participating in Tribunal proceedings.

Activities undertaken over the next year will ensure that the Registry is well placed to deliver on its core mandate of providing administrative services to support the Specific Claims Tribunal in the disposition of specific claims.

Section I: Departmental Overview

❖ Raison d'être and Responsibilities

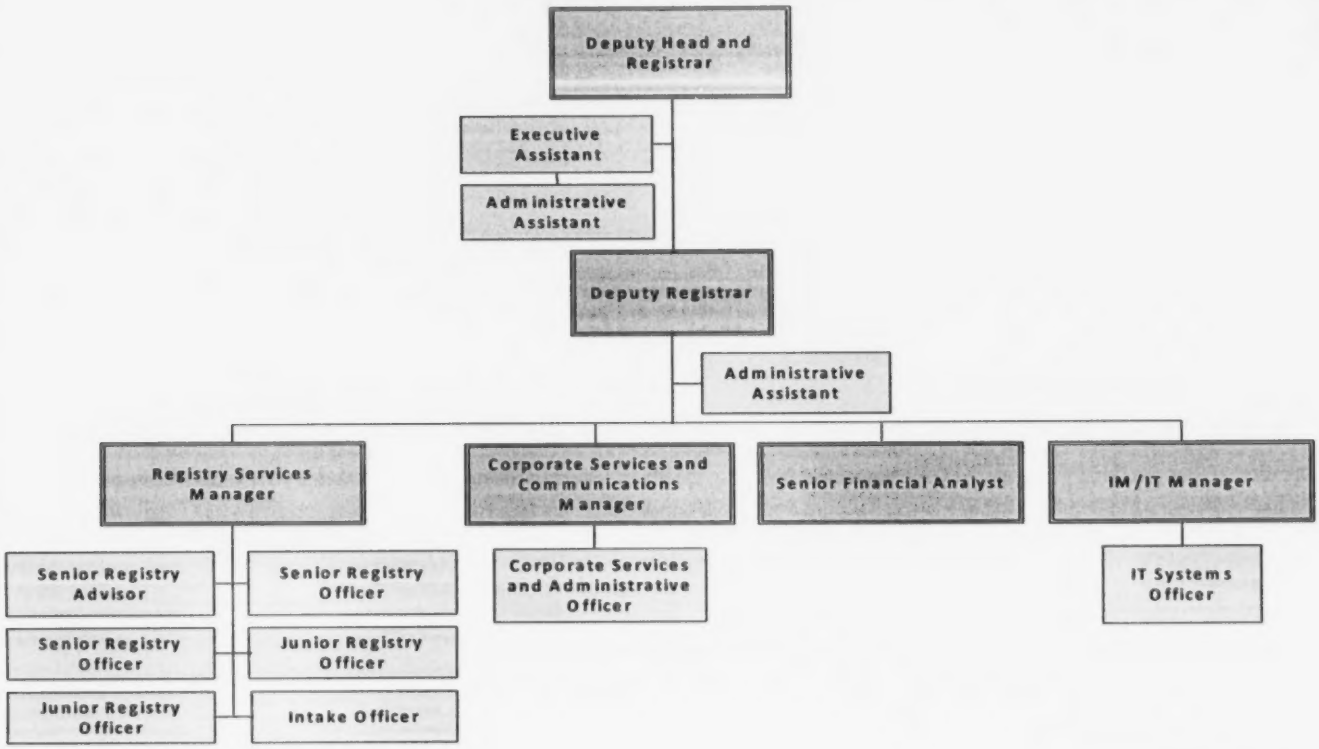
The Registry is constituted under the *Specific Claims Tribunal Act* (which came into force on October 16, 2008) to manage the administrative affairs of the Specific Claims Tribunal. The Tribunal is an adjudicative body with the express mandate of deciding First Nations' specific claims including claims related to non-fulfillment of treaties, fraud, illegal leases and dispositions or inadequate compensation for reserve lands or other assets.

The Registry is responsible for managing the processing of claims including: intake and tracking of submitted claims; managing the logistics of proceedings (including scheduling of proceedings); processing warrants, subpoenas, and writs; managing information and records; and providing services to the public in both official languages. These services support the independent resolution of claims fairly, without delay, and with an efficient, effective, and economic application of resources. The Registry must exercise these functions in a manner that protects the administrative and adjudicative independence of the Specific Claims Tribunal. Independence is central to the role of the Specific Claims Tribunal and its ability to resolve claims fairly.

Although the Registry's offices are located in Ottawa, it provides services throughout Canada to Tribunal Members, First Nations, the Crown, and the public. The Registry seeks to be recognized as a national and international model of excellence in the administration of justice for Aboriginal peoples and the Crown.

Registry of the Specific Claims Tribunal of Canada

February 2010



❖ Strategic Outcome and Program Activity Architecture (PAA)

The sole strategic outcome for the Registry, as approved by Treasury Board, is the efficient administration of the Specific Claims Tribunal of Canada, supported by program activities related to registry services.

The long-term benefit for Canadians will be the efficient and effective resolution of outstanding specific claims, with the potential for increased reconciliation and improved relationships amongst First Nations, the Government of Canada, and the broader Canadian public. The efficient operation of the Tribunal will create value for Canadians by saving costs associated with traditional litigation and negotiations. Monetary awards for successful claimants will provide First Nations with capital that may then be invested in their communities, contributing to the prosperity of First Nations in Canada.

❖ Planning Summary

Financial Resources (in millions of dollars)

2010-11	2011-12	2012-13
2.8	2.8	2.8

Human Resources (Full-time Equivalent – FTE)

2010-11	2011-12	2012-13
17	17	17

Strategic Outcome: Efficient Administration of the Specific Claims Tribunal	
Performance Indicators	**Targets**
A Registry that is staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner. An electronic Registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national tribunal. Engagement and outreach enabling clients and the public to have sufficient information about – and input into – Tribunal activities, practices and procedures.	• Completion of Registry staffing processes. • Delivery of developmental staff training. • Completion of business continuity and succession plans. • Creation of student work programs. • Administer Registry within financial allocation. • Operational electronic registry and case management system. • Implementation of communications plan. • Engage stakeholders in support of developing rules of practice and procedure. • Informed and engaged clients and public.

Program Activity	Forecast Spending 2009–10	Planned Spending (millions of dollars)			Alignment to Government of Canada Outcomes
		2010–11	2011–12	2012–13	
Registry Services (Facilitate timely access to the Specific Claims Tribunal through client service, quality of advice, efficient and timely processing, and unbiased service delivery.)	2.8	2.8	2.8	2.8	*Social Affairs:* *A Vibrant Canadian Culture and Heritage*

❖ Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Implement and configure an electronic registry and case management system.	Previously committed to	Efficient administration of the Specific Claims Tribunal	Will allow clients to file claims electronically through the Registry website. Will allow for the efficient processing of claims across Canada through the reduction of resources dedicated to processing claims manually. Will allow Tribunal Members immediate access to Registry operations from their respective chambers across Canada, and facilitate remote administration of Tribunal proceedings. Will provide an efficient way to track claims and claim trends. —Priority will be met by contracting for the configuration of the case management system based on business processes and operational needs.

Operational Priorities	Type	Links to Strategic Outcome	Description
Support Tribunal Members in drafting rules of practice and procedure.	Previously committed to	Efficient administration of the Specific Claims Tribunal	Tribunal rules will dictate the manner that claims are processed and disposed. The *Specific Claims Tribunal Act* indicates that the Tribunal Chairperson may appoint a committee of Tribunal Members to make rules governing practice and procedure. The committee may establish an advisory committee of interested parties to advise it in the development of the Tribunal's rules of practice and procedure. —Priority will be met by exploring and implementing best practices for Tribunal proceedings and engagement of key user groups.
Implement communication plan to increase awareness of the Tribunal and its activities and procedures.	Ongoing	Efficient administration of the Specific Claims Tribunal	Awareness of the Tribunal and its procedures will provide claimants and their legal counsel with knowledge that enables them to bring their claims to the Tribunal. Public awareness will highlight results for Canadians, and will provide transparency in the Registry's operations. —Priority will be met through the development of communication materials (brochures, fact-sheets, news releases, and information kits); and attendance at relevant meetings, committees and conferences.

Management Priorities	Type	Links to Strategic Outcome	Description
Development of work descriptions and staffing for Registry positions.	Ongoing	Efficient administration of the Specific Claims Tribunal	Registry Officers play a critical role in the delivery of registry services. Registry Officers attend all Tribunal proceedings in support of the presiding Tribunal Member and the administration of justice. Qualified staff will provide effective Registry operations. Respect for the spirit and intent of the *Official Languages Act*, the *Employment Equity Act* and related Treasury Board policies will encourage qualified, bilingual Aboriginal candidates to apply for positions at the Registry. —Priority will be met by developing work descriptions, based on similarly situated administrative tribunals, and conducting targeted recruitment activities focused on candidates with legal and cultural knowledge and experience.
Development of student work programs.	New	Efficient administration of the Specific Claims Tribunal	Student programs provide an opportunity for the Registry to utilize additional resources, while building a pool of candidates for future employment. The Registry currently participates in the Federal Student Work Experience Program. Co-op programs are also available to the Registry. The Registry will ascertain the viability of developing articling and clerkship programs which provide law students with the training required before they are called to the bar as lawyers. —Priority will be met by engaging program administrators to identify key criteria, establish program parameters, and conduct recruitment activities.

Management Priorities	Type	Links to Strategic Outcome	Description
Delivery of training including cultural, values and ethics, and professional developmental.	New	Efficient administration of the Specific Claims Tribunal	Learning and development is important for a vibrant and competent work force. Registry staff must exercise their duties in a culturally respectful manner and in a way that respects the values and ethics of the public service. —Priority will be met by creating orientation material for staff, working with organizations for the provision of cultural training, values and ethics sessions, and the use of performance and development plans.
Development of a succession plan to ensure that the Registry has a pool of qualified candidates to fill critical positions as they become vacant.	Ongoing	Efficient administration of the Specific Claims Tribunal	Succession planning is a valuable tool to ensure that any vacancy at the Registry can be filled quickly without disrupting business operations. Succession plans allow employees to identify their career goals and identify activities that will assist in achieving those goals. —Priority will be met by identifying key positions and related competencies, and the assessment and development of the competencies of a pool of potential candidates.

Management Priorities	Type	Links to Strategic Outcome	Description
Completion of a business continuity plan to ensure that Registry services are not disrupted by unforeseen events.	Ongoing	Efficient administration of the Specific Claims Tribunal	The Registry must deliver services despite unforeseen operational disruptions. The recent H1N1 pandemic provides an example of a potential threat to service delivery. The relatively small size of the Registry increases the impact of any operational threat. —Priority will be met by identifying the essential elements of Registry services and contingencies for the continuation of those services, including options to back-fill positions, and conduct operations from locations outside of the Registry's offices.

❖ Risk Analysis

Operating Environment

The Registry operates in the broader labour market and is subject to many factors that may affect its ability to secure the human resources required to meet its business goals. The Core Public Administration is much older than the workforce in general: over half of the federal public service workforce is 45 years old or over and more than one quarter of the workforce is eligible to retire by 2012. Almost one half of all executives are eligible to retire by 2012.

Pandemics (such as the H1N1 influenza in 2009) and other events may cause service disruptions. Such events pose risks for the Registry due to the small staff complement: a few affected people may have a large impact on the organization's ability to deliver core services.

The workload of the Tribunal will be affected by decisions and activities of other parties. Claims may be submitted to the Specific Claims Tribunal only after they have been first submitted to the Specific Claims program at Indian and Northern Affairs Canada (INAC) and:

- INAC has informed the First Nation of its decision to not accept the claim for negotiation;

- INAC does not meet the three-year time frame set out in the legislation for assessing claims;
- Three years of negotiation fail to result in a settlement; or
- At any time during negotiations, with the consent of INAC.

It is estimated that there are currently 102 claims that may be eligible for filing at the Tribunal, and a further 608 claims in progress at various stages with INAC. Based on historical settlement rates, this means that there may be 322 cases that will be eligible for Tribunal adjudication. That being said, the onus is on First Nations to file claims with the Tribunal and it is difficult to gauge their intentions at this time.

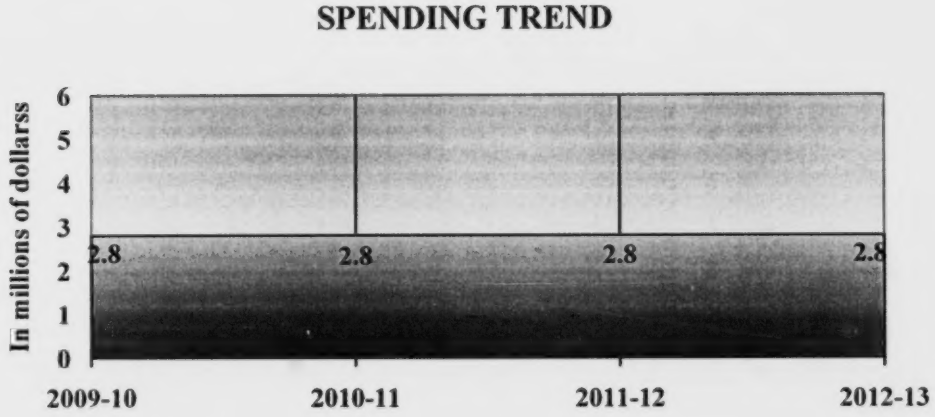
Risks

The operational environment of the Registry presents a number of human resources risks that are compounded by the relative size of the Registry. Since the Registry is completing start-up activities – which includes staffing of key positions - labour market influences present challenges to recruiting qualified individuals for positions within the Registry. Further, the lack of depth in the corporate section of the Registry means that the loss of even one employee can result in a significant loss of corporate capacity; sudden departures could lead to gaps in institutional knowledge. The lack of organizational depth means that there are few internal feeder pools that can be used to identify and develop qualified individuals to fill positions on short notice. The smaller complement of Registry staff, coupled with its corporate obligations under the *Financial Administration Act* and other accountability instruments, could lead to heavier workloads.

The small complement of the Registry also creates risks associated with continuity of operations. A pandemic that infiltrates the Registry can have severe operational consequences even if it affects a small number of people. Additionally, the consolidation of Registry operations in one location creates risks related to the ability of the Registry to continue to deliver services during an emergency.

The final substantive risk that the Registry faces relates to the relative workload associated with claims that have been filed. Although the Registry can compile estimates related to the number of claims that may be brought to the Tribunal, the true number of claims will be dependent on the prerogative of First Nations. Therefore, there is a risk that substantially greater or fewer claims will be brought to the Registry than is anticipated. Additionally, there is no baseline information for an accurate assessment of the resources and time required to process an average claim since the Registry has not been operational. A large volume of claims could result in the use of a large number of resources. Claims volume may lead to the need for direct support for Tribunal Members that has not currently been allocated.

❖ Expenditure Profile



❖ Voted and Statutory Items

(in millions of dollars)

Vote # or Statutory Item (S)	Truncated Vote	2009–10 Main Estimates	2010–11 Main Estimates
55	Program Expenditures	2.6	2.6
(S)	Contributions to employee benefit plans	0.2	0.2
TOTAL		2.8	2.8

Section II: Analysis of Program Activities by Strategic Outcome

❖ Strategic Outcome

The sole strategic outcome for the Registry, as approved by Treasury Board, is the efficient administration of the Specific Claims Tribunal, which will be supported by activities related to registry services.

❖ Program Activity by Strategic Outcome

The strategic objective will be met through the registry services program activity. When the Tribunal and the Registry are fully operational, registry services will include the intake and processing of claims, scheduling of proceedings, giving notice to parties and affected individuals, records management, provision of information to the public in both official languages, and attending all Tribunal hearings in support of the presiding Tribunal Member.

The program activity described above should result in timely access to the Tribunal across Canada through client service, quality of advice, efficient and timely processing, and unbiased service delivery.

Performance indicators for the foundational work required to be carried out this year in support of the program activity include:

- A Registry that is staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner;
- An electronic Registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national tribunal; and
- Engagement and outreach enabling clients and the public to have appropriate information and input into Tribunal activities, practices and procedures.

Performance targets include:

- Operational electronic registry and case management system;

- Delivery of sufficient support for the development of rules of practice and procedures, including engagement of stakeholders and identification of best practices;
- Informed and engaged clients, stakeholders and public;
- Completion of Registry staffing processes;
- Delivery of developmental staff training;
- Completion of business continuity and succession plans;
- Creation of student work programs;
- Administration of the Registry within financial allocation; and
- Implemented communications plan.

Program Activity: REGISTRY SERVICES					
Human Resources (FTEs) and Planned Spending (millions of dollars)					
2010–11		2011–12		2012–13	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
17	2.8	17	2.8	17	2.8

Program Activity Expected Results	Performance Indicators	Targets
Facilitate timely access to the Tribunal across Canada through client service, quality advice, efficient and timely processing, and unbiased service delivery.	A Registry that is staffed with qualified individuals capable of providing corporate and registry services in an efficient and effective manner;	• Completion of Registry staffing processes. • Completion of business continuity and succession plans. • Delivery of developmental staff training. • Creation of student work programs. • Delivery of sufficient support for the development of rules of practice and procedures. • Administration of Registry within financial allocation.

Program Activity Expected Results	Performance Indicators	Targets
Facilitate timely access to the Tribunal across Canada through client service, quality of advice, efficient and timely processing, and unbiased service delivery.	An electronic Registry that utilizes technology to introduce efficiencies and overcome logistical challenges associated with administering a national tribunal; and	• Operational electronic registry and case management system. • Electronic filing through the Registry's website. • Electronic notification. • Immediate access by Tribunal Members to Registry operations from their respective chambers across Canada. • Efficient way to track claims and claim trends.
	Engagement and outreach enabling clients and the public to have sufficient information and input into Tribunal activities, practices and procedures.	• Informed and engaged clients and public. • Implementation of communications plan. • Engagement of stakeholders in support of developing rules of practice and procedure. • Website information complete, accurate, and updated regularly. • Attendance and participation in relevant tribunal administration and/or Aboriginal law conferences and meetings involving stakeholders and/or their counsel.

❖ Planning Highlights

- Performance and development plans in place for employees by April 2010.
- Registry Officer positions classified by May 2010.
- Internal information and records management system in place by June 2010.
- Business Continuity Plan completed by July 2010.
- Staffing of Registry Officer positions completed by October 2010.
- Registry succession plan completed by November 2010.

- Case management system with electronic filing and electronic access to the Registry operational by December 2010.
- Quality service standards in place by February 2011.
- Customer service evaluation framework completed by March 2011.

❖ Benefits for Canadians

Canada's Performance Report 2008-2009: The Government of Canada's Contribution – a companion document to the 92 departmental performance reports – is divided into four key areas of policy: economic, social, international, and government affairs. The Registry's strategic outcome is aligned with *Social Affairs: A Vibrant Canadian Culture and Heritage*.

The long-term benefit for Canadians will be the efficient and effective resolution of outstanding specific claims across Canada, some of which currently provide the impetus for disputes causing financial and psychological impact on Canadians. Efficient operation of the Tribunal will create value for Canadians by saving costs associated with traditional litigation, conflicts, and lengthy negotiations.

Resolution of specific claims through the Specific Claims Tribunal will also remove barriers to reconciliation among First Nations, other Canadians, and the Government of Canada. Monetary awards will provide opportunities for successful First Nations to access capital that may then be invested in their communities, contributing to the prosperity of First Nations peoples.

Program Activities Summary

Activities of the Registry over the next year will be organized with reference to the three broad performance indicators identified on page 7.

1) Human Resources

The Registry is currently developing work descriptions that will allow it to effectively and efficiently classify and staff positions. Registry Officers will be the Registry employees directly responsible for ongoing claims management, ensuring a high level of service to clients and the public.

Human resource considerations will be incorporated into business continuity plans to ensure that services can be maintained during adversity; that there is a skilled workforce with the competencies, information and training needed to perform their work; and that there is succession planning to develop qualified individuals to fill vacancies, whether

they arise unexpectedly or not. The Registry, as a small organization, will take particular care in the management of human resources. The implementation of performance and developmental plans for employees will allow for clear communication of expectations and monitoring of performance to ensure objectives are attained. Career development strategies and student programs will be used to develop skilled workers for the Registry and support succession planning for the Registry and the broader public service.

2) Electronic Registry

The Registry will develop and implement an electronic registry and case management system to overcome logistical challenges associated with a national tribunal and help ensure timely and efficient registry services. Technology will be utilized to facilitate paperless filing of claims. The electronic filing of claims, submissions, and motions is expected to improve processing times and reduce expenses for all participants. Electronic notice will facilitate rapid communication, allowing participants to receive automatic notification when documents are filed.

The electronic registry and case management system will be integrated with the Registry's overall information and records management system.

3) Engagement and Outreach

The *Specific Claims Tribunal Act* was developed through collaboration between the Assembly of First Nations and the Government of Canada. The provision of information about the Tribunal and its activities supports transparency and accountability and will highlight results for Canadians. It is also important that information be produced and disseminated to potential users of the Tribunal to ensure that they have the information needed to participate in Tribunal activities effectively.

First Nations and the general public will be informed of progress made by the Registry and the Tribunal through the website. In addition to publishing information on its website, the Registry will develop communication materials (brochures, fact-sheets, news releases and information kits), and attendance at relevant meetings, committees and conferences.

Section III: Supplementary Information

Registry of the Specific Claims Tribunal of Canada website: www.sct-trp.ca

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